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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,804	09/21/2000	Douglas E. Trent	P56103C	8933
8439	7590	06/09/2005		
ROBERT E. BUSHNELL 1522 K STREET NW SUITE 300 WASHINGTON, DC 20005-1202			EXAMINER BANGACHON, WILLIAM L	
			ART UNIT 2635	PAPER NUMBER

DATE MAILED: 06/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/666,804	TRENT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	William Bangachon	2635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 18 February 2005.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-49 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 1-12,23-28 and 35-49 is/are allowed.

6) Claim(s) 13-21 and 29-32 is/are rejected.

7) Claim(s) 22,33 and 34 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. In view of the Appeal Brief filed on 2/18/2005, PROSECUTION IS HEREBY REOPENED. A *new ground of rejection* is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments with respect to the rejection(s) of claim(s) 1-49 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, applicant's arguments with respect to claims 13-22 and 29-34 are moot in view of the new ground(s) of rejection.

### ***Allowable Subject Matter***

3. Claims 1-12, 23-28, and 35-49 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

With regards to claims 1, 23, and 35, the prior art made of record fails to suggest "a control stage, in combination with other elements in the individual claims, **generating a control signal in dependence upon disposition of said port relative to a source of said data signals, in dependence upon disposition of said container within a scheme for generation of said data signals, and in response to occurrence of a coincidence between a data key received among said data signals via said port and a data sequence obtained by said control stage in dependence upon said information stored within said memory**"

5. Claims 22 and 33-34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

7. Claims 13, 17-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claims 13 (line 13) and 17-22 (line 2) recite the limitation "said controller". There is insufficient antecedent basis for this limitation in the claims.

9. Claim 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

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were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 13-22 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over USP 6,111,505 (Wagener) in view of USP 5,825,626 (Hulick et al).

In claim 13, a container manager (Fig. 1), comprising:

a housing (12) comprised of a plurality of sidewalls bearing a lid, forming a container having a closed interior while said lid is in complete engagement with said housing, and providing an open interior able to removably receive items within said open interior while said lid is dislodged from said complete engagement {Fig. 1; col. 2, lines 45-57; col. 3, lines 2-21}. In this case, the removable items are computer peripherals;

a port (I/O port) mounted within said housing and exposed through said housing to receive data signals {col. 3, lines 31-35; col. 4, lines 20-26, lines 41-45}. In this case, the I/O port of Wagener allows the security system of Wagener to be connected to an outside link (30), such as a network link, telephone link, infra-red link, radio links, cable links, etc. {col. 2, lines 15-25};

a control stage (10) comprised of a memory (16) {col. 4, lines 10-19} storing information specific to said container {col. 3, lines 23-25}, said control stage being mounted entirely within said container, being completely encased by said container during said complete engagement {col. 3, lines 21-23}, and being operationally coupled to provide communication by data signals with said interior via said port {col. 3, lines 25-31}, and generating an alarm signal in response to an unauthorized interruption of said communication via said port {col. 3, lines 45-50; col. 5, lines 5-8, lines 45-56}; and an alarm (13) {col. 3, lines 54-67} driven by said controller to broadcast an indication of said unauthorized interruption in response to said alarm signal {col. 3, lines 50-53; col. 4, lines 27-45; col. 5, lines 8-12}.

Although Wagener do not disclose “**a removable lid**”, these claim limitations would have been just a matter of design choice in the system of Wagener (i.e. hinged lid vs. removable lid). In this case, Hulick et al, in the same field of endeavor, teach of a conventional computer housing with a removable lid as shown in figures 1-8, for comparison. Sometimes, hinged lids are preferred over removable lids because it does not require screws for attachment to the enclosure, wherein, the screws are often misplaced or gets lost. However, hinged lids takes over a wider working space area when opened. Therefore, a removable lid is preferred to a hinged lid, especially when working in cramped areas, and would have been obvious in the system of Wagener, to one of ordinary skill in the art.

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Claims 14-16 are directed towards different types of communication ports (socket, infrared receiver, antenna). In this case, the I/O port of Wagener allows the security system of Wagener to be connected to an outside link (30), such as a network link, telephone link, infrared link, radio links, cable links, etc. {col. 2, lines 15-25}. Figure 5 shows a cable (38a) used as a communication link. Obviously, the I/O port of Wagener has a socket to connect the cable (38a) to the security system (12a), to one of ordinary skill in the art. Figure 7 shows a 56b as a communication link. Obviously, the I/O port of Wagener has an antenna to communicate with the transceiver (54b), to one of ordinary skill in the art. And obviously, an infrared communication link would require an infrared receiver, and therefore, would have been obvious in the system of Wagener, to one of ordinary skill in the art.

In claim 17, the container manager of claim 13, further comprised of:

a microprocessor based host computer (31) operationally coupled to said controller via said port, generating said data signals; and a data cable (38a) coupling said host computer to said port while conveying said data signals to said controller via said port {col. 5, lines 41-44}.

In claim 18, the container manager of claim 13, further comprised of:

a microprocessor based host computer (31) operationally coupled to said controller via said port, generating said data signals; and a local area network coupling

said host computer to said port while conveying said data signals to said controller via said port {col. 2, lines 15-25}.

In claim 19, the container manager of claim 13, further comprised of:

a microprocessor based host computer operationally coupled to said controller via said port, generating said data signals;

said port comprising a first antenna mounted on one of said sidewalls,

a data transceiver connecting said first antenna and said controller; and a second antenna driven by said host computer, operationally connecting said host computer to said first antenna while conveying said data signals to said controller via said first antenna {col. 8, lines 1+}.

In claim 20, the container manager of claim 13, further comprised of:

a microprocessor based host computer operationally coupled to said controller via said port, generating said data signals;

an infrared transmitter driven by said host computer to broadcast an infrared signal corresponding to said data signals; and

an infrared receiver mounted in one of said sidewalls, disposed to receive and convey to said controller said data signals from said infrared transmitter {col. 2, lines 15-25}.

In claim 21, the container manager of claim 13, further comprised of:

a microprocessor based host computer operationally coupled to said controller via said port, generating said data key;

a first infrared transmitter and receiver driven by said host computer to broadcast an infrared signal corresponding to said data key; and

a second infrared transmitter and receiver mounted in one of said sidewalls, disposed to receive said data key from said infrared transmitter, and to transmit operational communications from said controller to said host computer via said first infrared transmitter and receiver {col. 2, lines 15-25}.

Claims 29-31 recites the combination of claims 13 and 19-21, further comprising a monitor driven by said host computer to visually display video images. Although Wagener discloses a guard computer (31) driving a monitor as shown in figure 1, Wagener do not disclose expressly “**said monitor displaying video images**”. However, it is unclear in the claim what type of video images are being displayed. Inherently, the monitor of Wagener displays video images. Therefore, it would have been obvious to one of ordinary skill in the art to have the monitor of Wagener to “display video images” as claimed, because computer monitors are designed to display video images.

In claim 32, Wagener do not disclose “**a second alarm driven by said host computer**”. However, in a wireless configuration shown in figure 7, Wagener teach of transceivers 54b outputting a signal indicative of an alarm condition (interruption of

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communication) to the guard/host computer {31b} {col. 8, lines 45-51}. Obviously, the guard computer drives a second alarm for notifying security personnel {col. 8, lines 14-18}, to one of ordinary skill in the art.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,065,408 (Tillim et al), USP 5,615,625 (Cassidy et al), USP 5,479,341 (Pihl et al), USP 5,111,755 (Rouse), and USP 4,942,831 (Tel) are cited in that these patents teach of a container manager {see whole document}.

### ***Examiner Contact Information***

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is (571)-272-3065. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571)-272-3068. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is (571)-273-3065 for informal communications.

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

William L Bangachon  
Examiner  
Art Unit 2635

June 1, 2005

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